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09/837,047	04/18/2001	Roger Everette Sanders	343355600028	9203

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ART UNIT	PAPER NUMBER
2173	

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2 MONTHS	01/16/2007	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/837,047
Filing Date: April 18, 2001
Appellant(s): SANDERS ET AL.

John V. Biernacki
Reg. No. 40,511
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 16 October 2006 appealing from the Office action mailed 30 June 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: appellant has incorrectly stated that claim 2 stands rejected over Outlook and Arcuri et al (US Patent 6,133,915). However, the Office Action dated 30 June 2005 relies upon a combination of Outlook and Amin et al (US Patent 6,208,340).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Microsoft Corp. Microsoft Outlook 2000. Screenshots. 12 Figures, 12 pages.

6,208,340	Amin et al	3-2001
5,317,687	Torres	5-1994

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5-12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Examiner's prior art screenshots of Microsoft Outlook 2000, (see Fig. 11 for copyright date), hereinafter Outlook.

Regarding claims 1, 12 and 17, Outlook teaches providing a first control that operates within a window of a graphical user interface (taught as the icons shown in the "Folder List" portion of Fig. 1), manipulating the first control to access a second control, wherein the second control includes data records (taught as the selection of one of the icons in the Folder List portion of Figs. 1 and 2, with the "Test Contacts" icon being selected in Fig. 1, and the "Calendar" icon being selected in Fig. 2, wherein the second control is presented to the user in the large right panel of Fig. 1), wherein the second control is configured to be displayed and to operate within the first control (taught inherently as the reliance of the second control upon the selection of the first control, and the subsequent display of the second control in close proximity to the first control), wherein the data records are from a database (taught inherently as the

ability to store contact information and maintain that information between Outlook sessions), and modifying at least one of the data records through use of the second control (taught as the ability to bring up a contact modification window through manipulation, e.g. double-clicking, of a contact control, shown at Fig. 6).

Regarding claim 3, Outlook teaches a pop-up window providing a menu of operations, wherein the operations are configured to perform actions on a selected data record within the second control, taught as the right-click menu of Fig. 3 for manipulating records by opening the contact modification window or deleting a selected record.

Regarding claim 5, Outlook teaches adding a new data record to the database through the use of the second control, taught as the "New Contact" window of Fig. 4, opened by double-clicking the large right panel of Fig. 1.

Regarding claim 6, Outlook teaches deleting a data record from the database through use of the second control, taught as the deletion of a selected record by pressing the "Delete" key, or through pop-up menu means, the end result being displayed at Fig. 5.

Regarding claim 7, Outlook teaches renaming a data record through use of a second control, as shown in Figs. 6 and 7.

Regarding claims 8 and 9, Outlook teaches indicating selection status of a selected data record by changing the contact name font color and the color of the bar around the contact name, shown at Fig. 7, being proximate to the selected data record.

Regarding claim 10, Outlook allows for the selection of multiple data records and modifying as a group the selected multiple data records, taught as the selection of multiple records at Fig. 8, the opening of a contact edit window for each record by pressing the "Enter" key at Fig. 9, or the deletion of the selected records by pressing the "Delete" key at Fig. 10.

Regarding claim 11, Outlook teaches indicating the selection status of each selected data record at Fig. 8.

Regarding claim 15, Outlook teaches an individual selection box associated with each of the data records and operative to indicate the selection status of the associated data records, taught as changing the contact name font color and the color of the bar around the contact name, shown at Fig. 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Outlook and Amin et al (US Patent 6,208,340), hereinafter Amin.

Regarding claims 2 and 18, Outlook teaches an interface for modifying data records that includes a first control and a second control accessed through the manipulation of the first control, wherein the second control includes data records and is capable of indicating the selection of multiple data records.

Outlook fails to explicitly teach the first control being a pull-down menu and the second control being displayed within the pull-down menu region, and including separate checkbox interface items associated with displayed data records.

Amin teaches a graphical user interface "widget" for use in many practical software applications, such as scheduling and personal data recording programs, similar to Outlook. Furthermore, Amin teaches the selection of a plurality of list items from a drop-down menu (at col. 1, line 62 through col. 2, line 4), that includes the use of a checkbox interface (at col. 3, lines 25-30).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Outlook and Amin before him at the time the invention was made to modify the data record interface of Outlook to include the graphical user interface "widget" of Amin in order to obtain software for controlling data records that contains a pull-down menu capable of selecting multiple data items through a checkbox interface.

One would be motivated to make such a combination for the advantage of screen space conserved by a pull-down menu capable of selecting multiple data items and the multiple selection of data items itself. See Amin, col. 1, lines 52-61.

Regarding claim 4, Outlook inherently teaches storing data records, as the records are maintained between Outlook sessions. Databases and record sources are extremely well known in the art to provide for such storage, and would have been obvious to include in the

inherent storage of Outlook. Furthermore, Outlook provides for dynamic record generation by allowing a user to create and modify contact information dynamically, as shown in Fig. 6. Outlook also includes the functionality to import addresses from external file sources, thus giving the capability to display data records from two or more data sources, at Fig. 12.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Outlook and Torres (US Patent 5,317,687).

In regards to claim 13, Outlook has been shown to teach a graphical user interface comprising a first control, second control, and a plurality of modifiable data items in said second control.

While Outlook teaches such a method, the reference fails to explicitly incorporate an "overview selection status box" that indicates whether any of the data items are selected when the second control is hidden from the user.

Torres, however, discloses a graphical user interface complete with an overview selection status box (Figure 3 and Figure 4A-E).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the overview selection status box of Torres into the interface of Outlook. By utilizing a representation of selections in a single graphical metaphor as described by Torres in combination with the graphical user interface of Outlook, one would obtain an interface including an overview selection status box.

The motivation to do so is given by Torres, who states, "it is therefore one object of the present invention to represent a group of menu items in terms of a single graphical metaphor for that group" (Column 2, Lines 2-4). Torres gives further motivation when disclosing "an icon evocative of an arrangement of items permitting direct manipulation techniques for

rearrangement of the group and selection of particular items from the group" (Column 2, Lines 10-14).

In regards to claim 14, Outlook has been shown to teach a graphical user interface comprising a first control, second control, and a plurality of modifiable data items in said second control.

While Outlook teaches such a method, the reference fails to explicitly incorporate a "tri-state overview selection status box" that indicates whether any of the data items are selected when the second control is hidden from the user.

Torres, however, discloses a graphical user interface complete with an overview selection status box capable of indicating multiple states (Figure 3 and Figure 4A-E).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the multiple state selection box of Torres into the interface of Outlook. By utilizing a representation of selections in a single graphical metaphor as described by Torres in combination with the graphical user interface of Outlook, one would obtain an interface including a tri-state overview selection status box or multi-state overview selection box.

The motivation to do so is given by Torres, who states, "it is therefore one object of the present invention to represent a group of menu items in terms of a single graphical metaphor for that group" (Column 2, Lines 2-4). Torres gives further motivation when disclosing "an icon evocative of an arrangement of items permitting direct manipulation techniques for rearrangement of the group and selection of particular items from the group" (Column 2, Lines 10-14). Torres also discloses description of the many states of his representation when stating, "Fig. 4a depicts a situation where no options have been selected" (Column 4, Lines 17-18), "Fig. 4c depicts in pictorial form a situation where icon ring 48 is selected and one option from stack

54 has been selected" (Column 4, Lines 27-29), and "Fig. 4d depicts a situation where two options have been selected while the icon ring itself remains selected" (Column 4, Lines 34-35).

Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Outlook.

Regarding claim 16, Outlook inherently teaches storing data records, as the records are maintained between Outlook sessions. Databases and record sources are extremely well known in the art to provide for such storage, and would have been obvious to include in the inherent storage of Outlook. Furthermore, Outlook provides for dynamic record generation by allowing a user to create and modify contact information dynamically, as shown in Fig. 6. Outlook also includes the functionality to import addresses from external file sources, thus giving the capability to display data records from two or more data sources, at Fig. 12. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to utilize database and record source storage for maintaining the contact information between sessions. One would be motivated to make such a combination for the advantage of highly structural storage afforded by databases and record sources.

Regarding claim 19, Outlook has been shown *supra* to teach the inclusion of databases for maintaining contact information between sessions. Accessing a database through the use of SQL is extremely well known in the art, and would have been obvious to include in the database access of Outlook. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include SQL access to the contact

information database, for the advantages of highly structured and simple access offered by SQL.

(10) Response to Argument

In response to appellant's arguments of independent claims 1, 12 and 17 (pages 8-12), the examiner respectfully disagrees. Specifically, page 8 states, "none of the cited references, either alone or in combination, disclose the second control being displayed and operating within a first control, as recited in independent claims 1, 12 and 17." Appellant further argues that the asserted second control of the Outlook reference "is not displayed and does not operate within a first control as required by the independent claims". The examiner further wishes to withdraw the arguments of the Office Action dated 30 June 2005 that state, "the language of claim 1 states, 'wherein the second control is configured to be displayed'. The use of this language fails to recited the argued limitation of a second control within a first control." In light of this withdrawal, the examiner maintains and will further clarify the rejection of independent claims 1, 12 and 17, with respect to the limitation of a second control being displayed and operated within a first control.

To summarize the Outlook reference with respect to the limitations of independent claim 1, the examiner has shown a first control within a window of a graphical user interface, the first control being manipulated to access a second control that includes data records. The claimed first control is taught as the user-manipulable icons and their related identifiers, such as the "Calendar", "Contacts", and "Test Contacts" elements of Figure 1. As shown in the Figures, upon user selection of one of these first controls, Outlook will display related second controls, such as the manipulable contact records shown in Figure 1 (Jones, Steve; Smith, John; etc.). These records are well known in the art to be user-manipulable for the purpose of selection and

editing, as well as being data records for storing such contact information. Claim 1 further defines the limitations of the second control being configured to be displayed and to operate within the first control, wherein the second control is contained within the window that contains the first control. Clearly, the second control is contained within the window that contains the first control.

Furthermore, the examiner maintains that the second control is configured to be displayed and to operate within the first control. Firstly, the second control is displayed as a result of a user manipulating the first control, and therefore is operating within the first control. Selection of a different first control presents a different and related second control. Secondly, the examiner maintains that the second control is "configured to be displayed ... within the first control" as defined by the claim language and by appellant's own specification and arguments. As seen on page 4 of the remarks, appellant's graphical user interface has a first control **201**, a button that produces a number of data records in the form of a list, with a second control depicted as related checkboxes, as seen in item **224**. Appellant states on page 4 that "second control **224** is contained and displayed *within* the first control (emphasis added)". Therefore, by the examiner's reasonable interpretation of the arguments and Figure 2, a second control that is "contained and displayed within the first control" is simply a second control displayed as a result of the manipulation of a first control and in the proximity of that first control. Clearly, Outlook teaches such containing and displaying, as the manipulation of the first controls in the left-most panel of Figure 1 leads to the display in close proximity of the second control data records in the panel to the right.

Claim 1 further defines data records as being from a data base, and modifying at least one of the data records through the use of a second control, both limitations being taught by the Outlook reference, as is well known in the art.

Claims 12 and 17 are similarly rejected, as they contain limitations similar to those of claim 1.

Appellant has argued the rejection of claims 2, 4 and 18 on pages 12-13. However, as appellant's arguments are based on the combination of Outlook with the Arcuri reference, the examiner deems these arguments moot. The rejection of record in the Office Action filed 30 June 2005 with respect to claims 2, 4 and 18 is a combination of Outlook with Amin et al.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Roswell

Conferees:

Kristine Kincaid

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Lynne Browne

Lynne H. Browne
Appeal Specialist, TQAS
Technology Center 2100

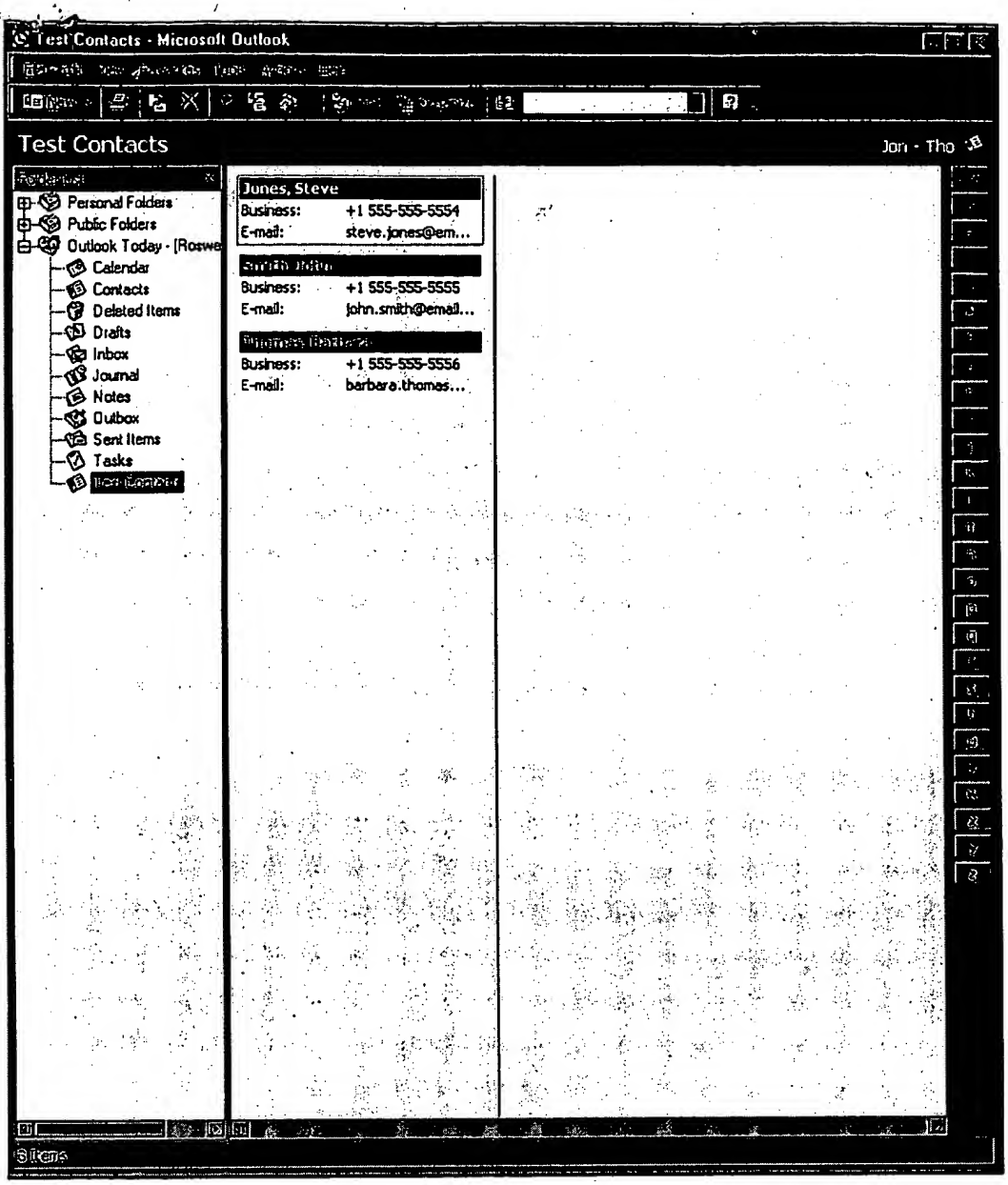

Test Contacts - Microsoft Outlook
Test Contacts
Jon - Tho
Personal Folders
Public Folders
Outlook Today - [Roswe
Calendar
Contacts
Deleted Items
Drafts
Inbox
Journal
Notes
Outbox
Sent Items
Tasks
Jones, Steve
Business: +1 555-555-5554
E-mail: steve.jones@em...
Business: +1 555-555-5555
E-mail: john.smith@email...
Business: +1 555-555-5556
E-mail: barbara.thomas...
Items

Fig. 1

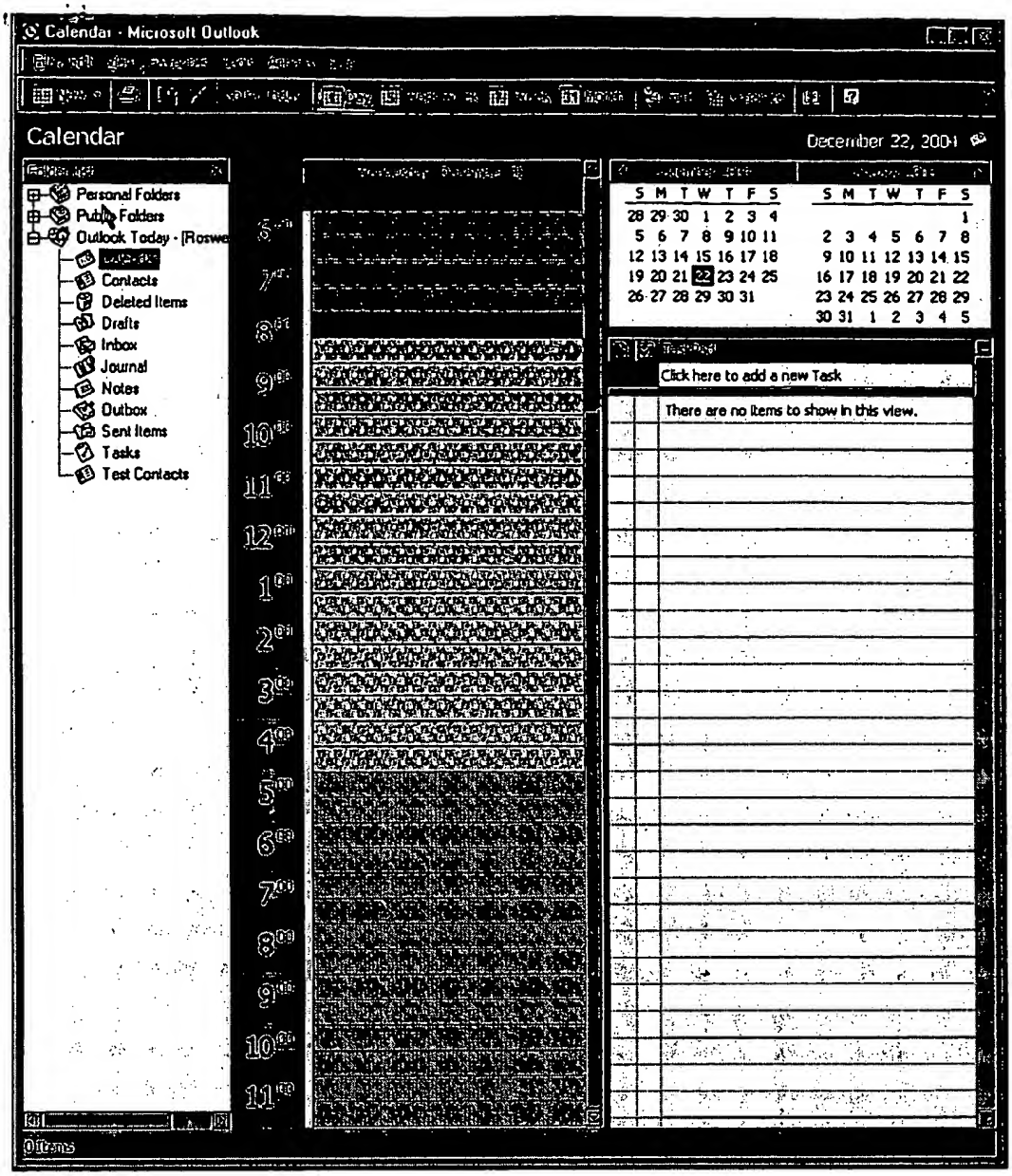

Calendar - Microsoft Outlook
Calendar
December 22, 2004
Personal Folders
Public Folders
Outlook Today - [Roswe
Calendar
Contacts
Deleted Items
Drafts
Inbox
Journal
Notes
Outbox
Sent Items
Tasks
Test Contacts
S M T W T F S
28 29 30 1 2 3 4
5 6 7 8 9 10 11
12 13 14 15 16 17 18
19 20 21 22 23 24 25
26 27 28 29 30 31
S M T W T F S
1
2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31 1 2 3 4 5
Click here to add a new Task
There are no items to show in this view.
0 Items

Fig. 2

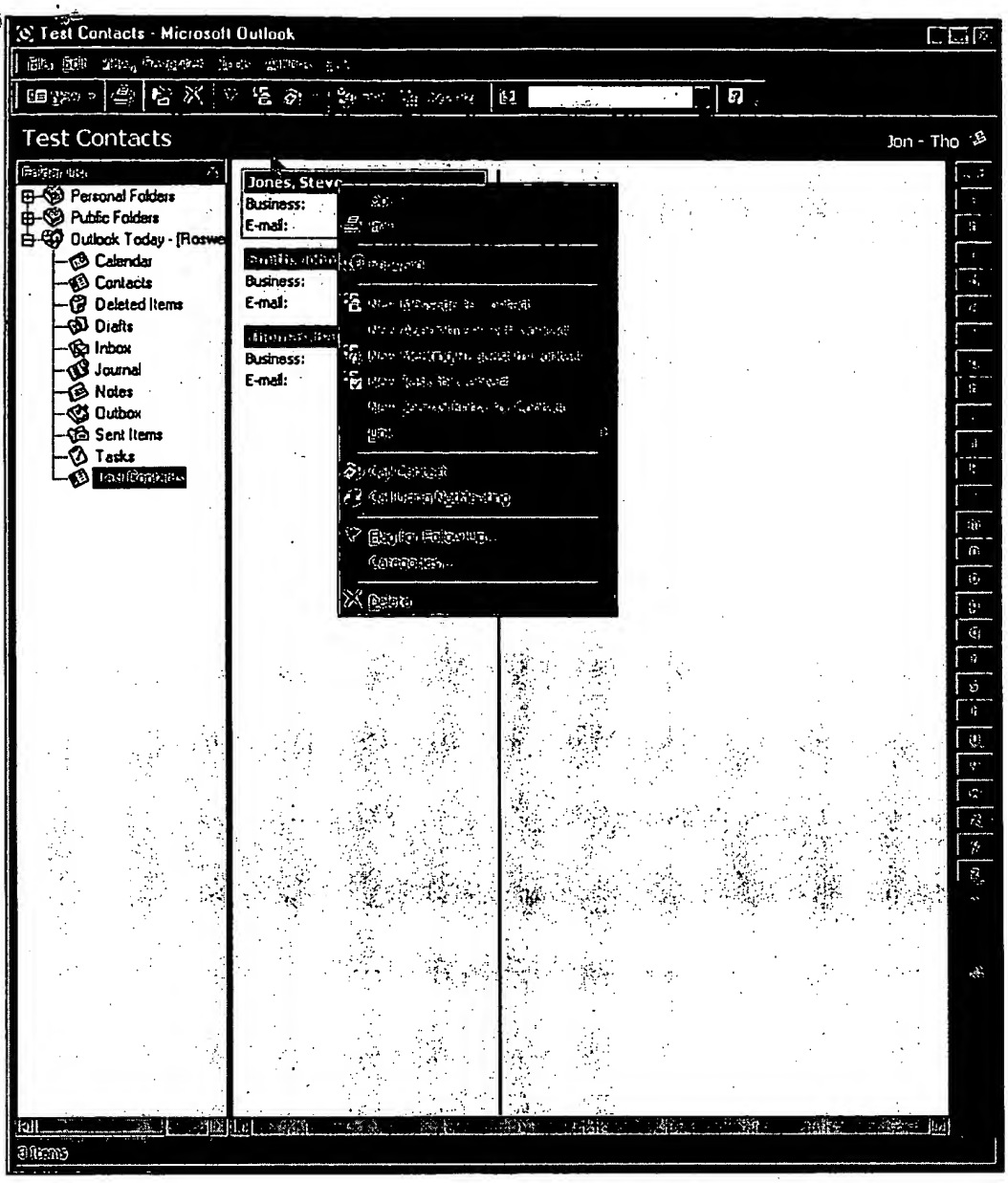

Test Contacts - Microsoft Outlook
Test Contacts
Jon - Tho
Personal Folders
Public Folders
Outlook Today - [Roswe
Calendar
Contacts
Deleted Items
Drafts
Inbox
Journal
Notes
Outbox
Sent Items
Tasks
Business:
E-mail:
Business:
E-mail:
Business:
E-mail:
3 Items

Fig. 3

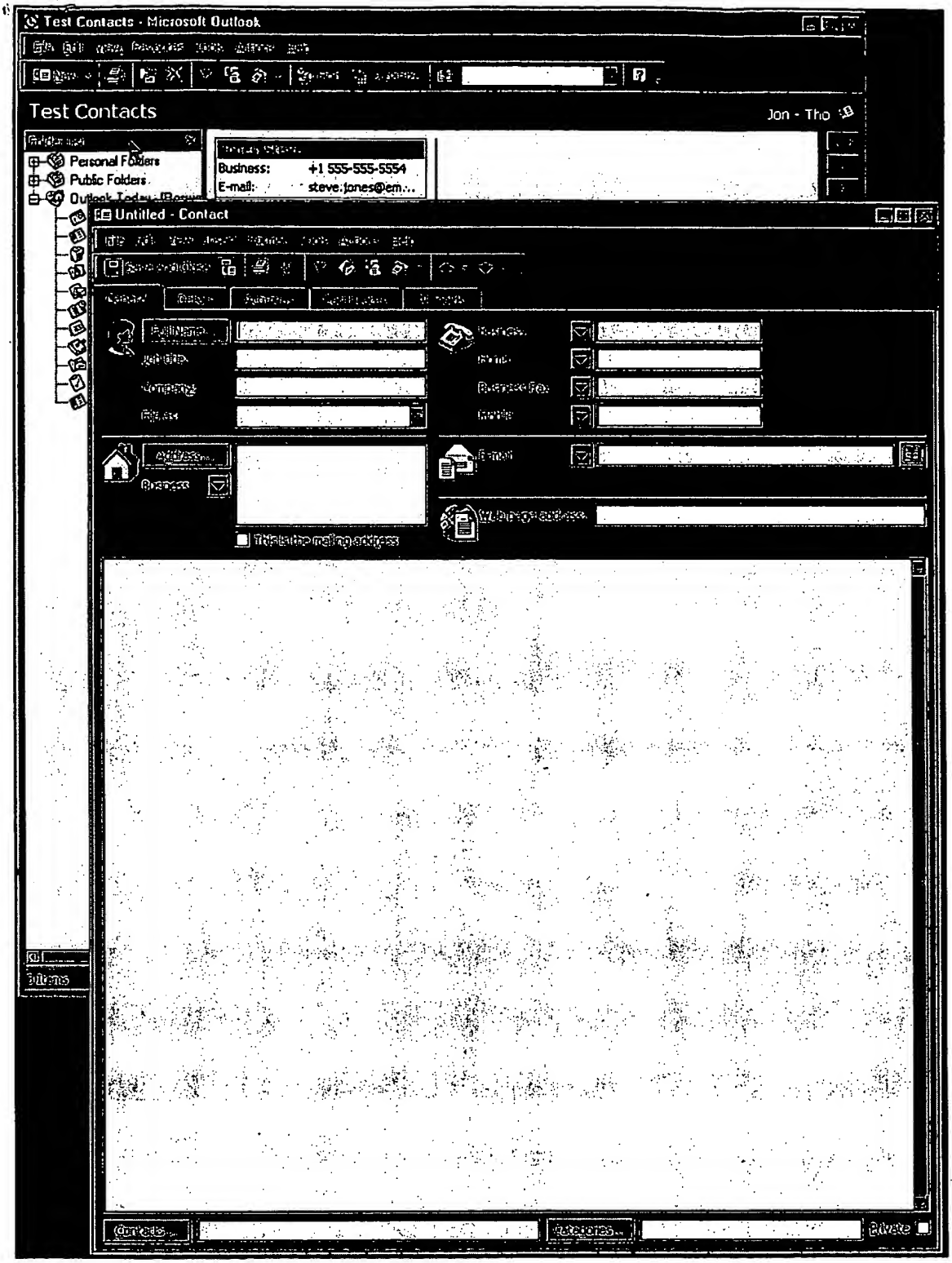
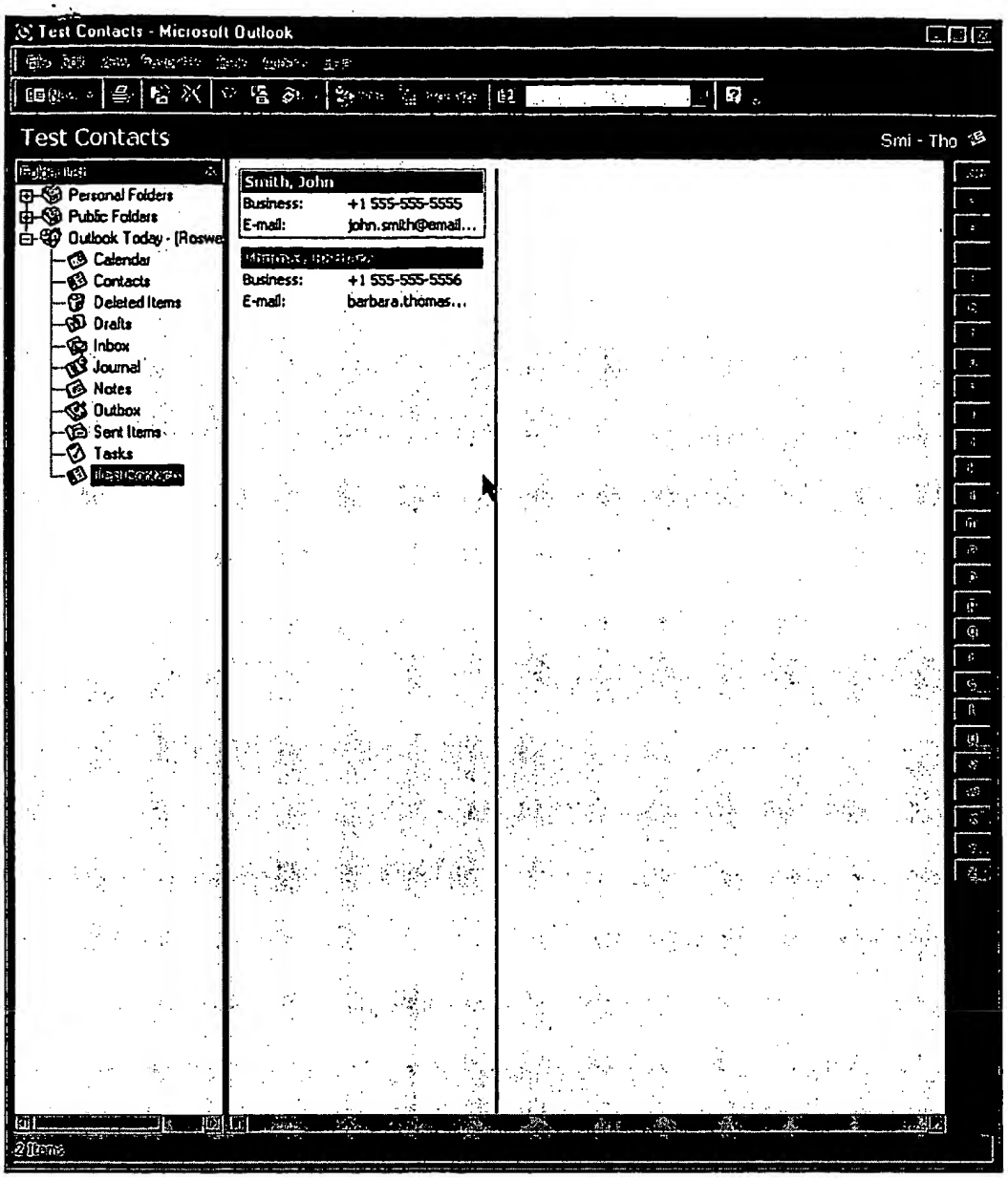

Test Contacts - Microsoft Outlook
Test Contacts
Jon - Tho
Personal Folders
Public Folders
Business: +1 555-555-5554
E-mail: steve.jones@em...
Untitled - Contact
Items
Private

Fig. 4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Smi - Tho
Personal Folders
Public Folders
Outlook Today - [Roswe
Calendar
Contacts
Deleted Items
Drafts
Inbox
Journal
Notes
Outbox
Sent Items
Tasks
Smith, John
Business: +1 555-555-5555
E-mail: john.smith@email...
Business: +1 555-555-5556
E-mail: barbara.thomas...
2 Items

Fig. 5

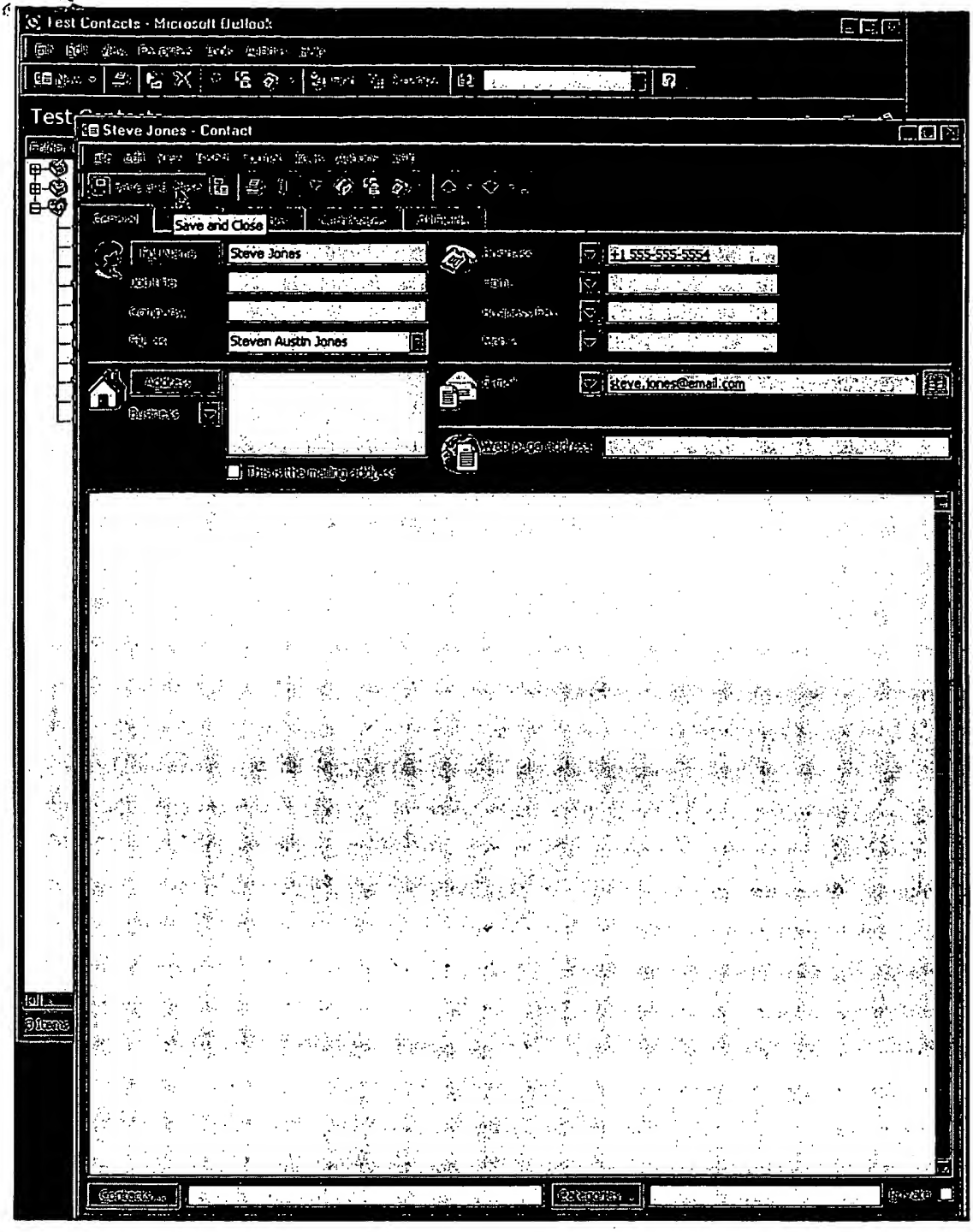
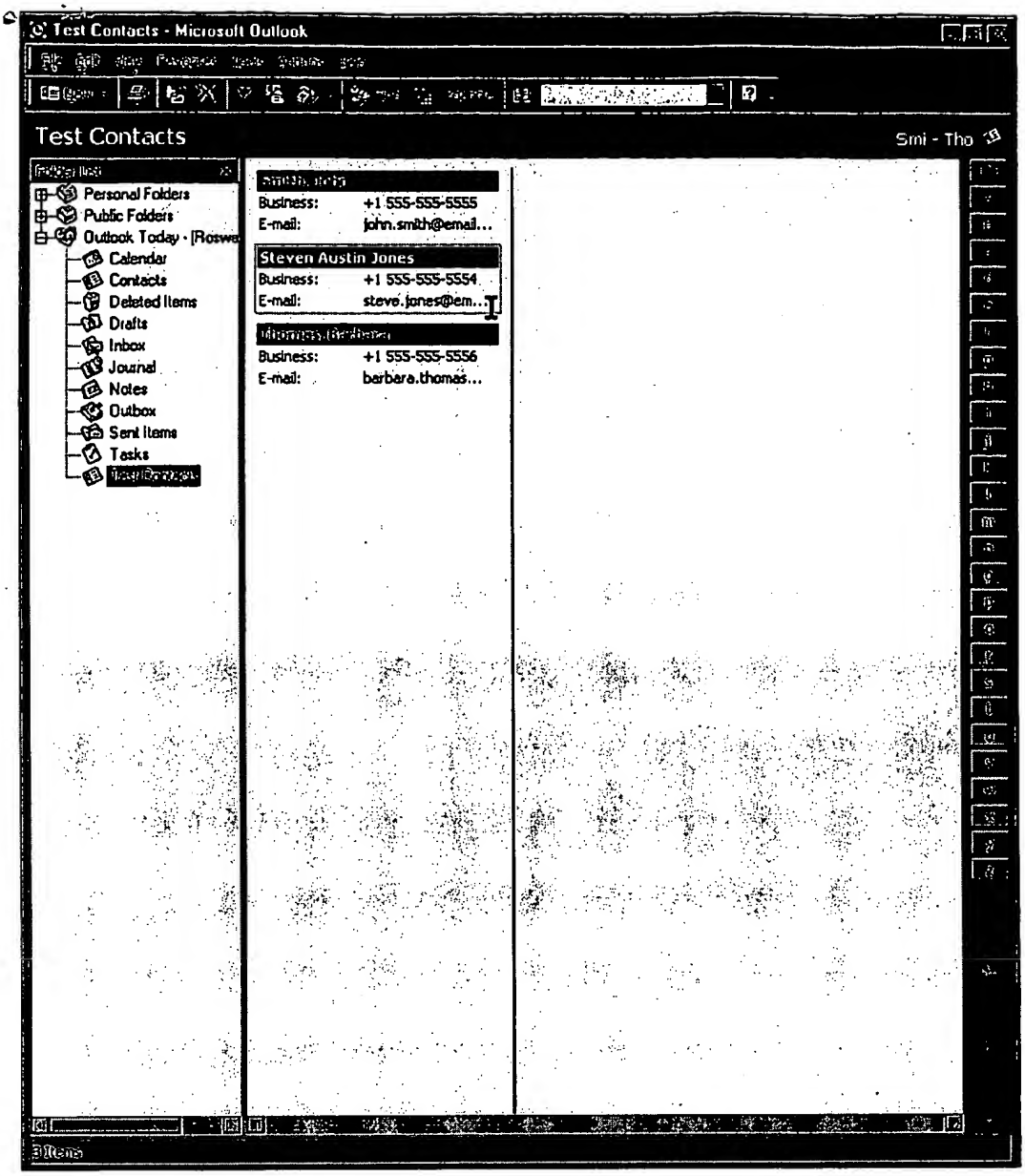

Test Contacts - Microsoft Outlook
Steve Jones - Contact
Save and Close
Steve Jones
+1 555-555-5554
Steven Austin Jones
steve.jones@email.com

Fig. 6


Test Contacts - Microsoft Outlook
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Sent Items
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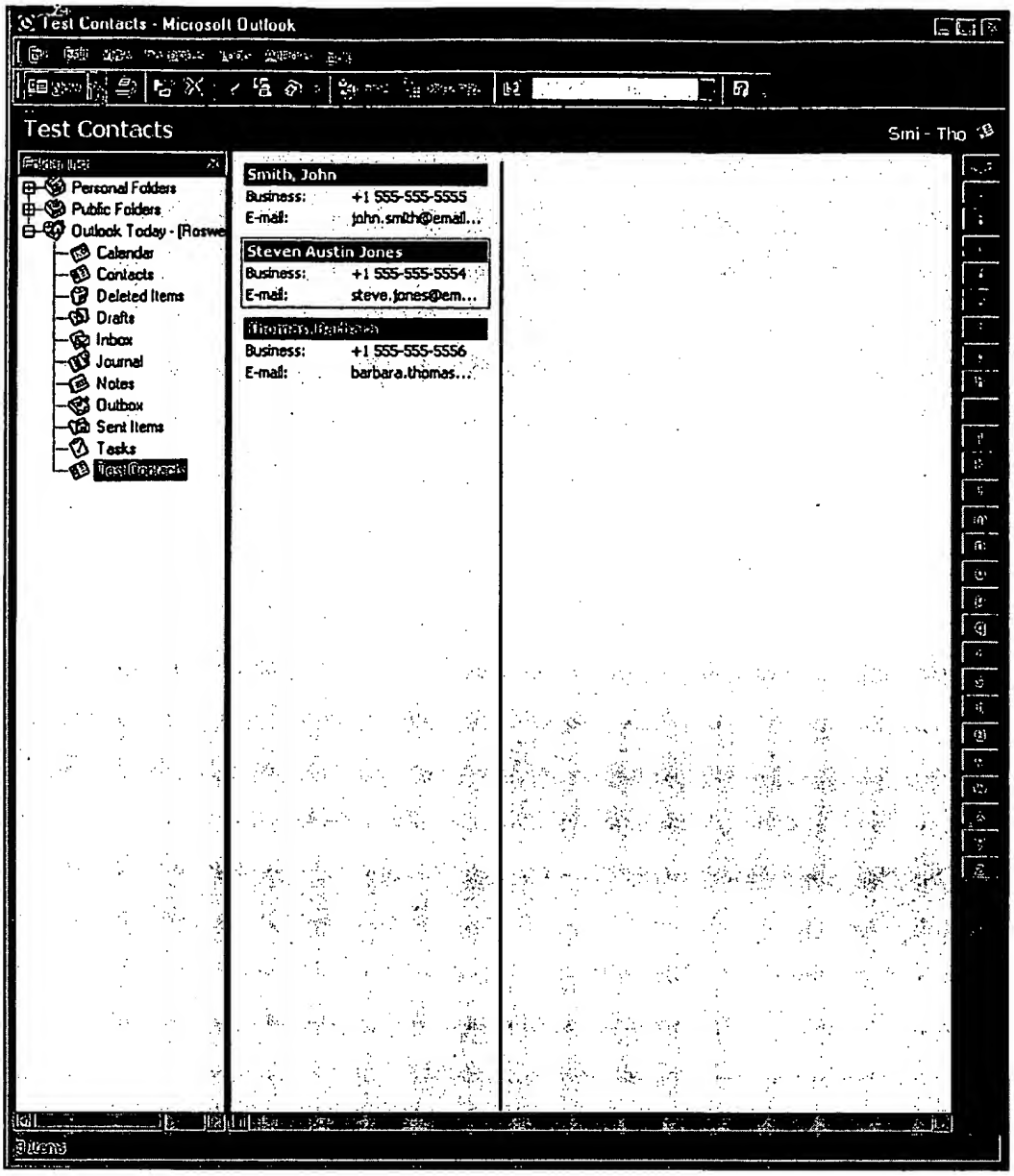
Business: +1 555-555-5555
E-mail: john.smith@email...
Steven Austin Jones
Business: +1 555-555-5554
E-mail: steve.jones@em...
Business: +1 555-555-5556
E-mail: barbara.thomas...
3 Items

Fig. 7


Test Contacts - Microsoft Outlook
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Personal Folders
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Outlook Today - [Roswe
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Contacts
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Drafts
Inbox
Journal
Notes
Outbox
Sent Items
Tasks
Test Contacts
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E-mail: john.smith@email...
Steven Austin Jones
Business: +1 555-555-5554
E-mail: steve.jones@em...
Business: +1 555-555-5556
E-mail: barbara.thomas...
Items

Fig. 8

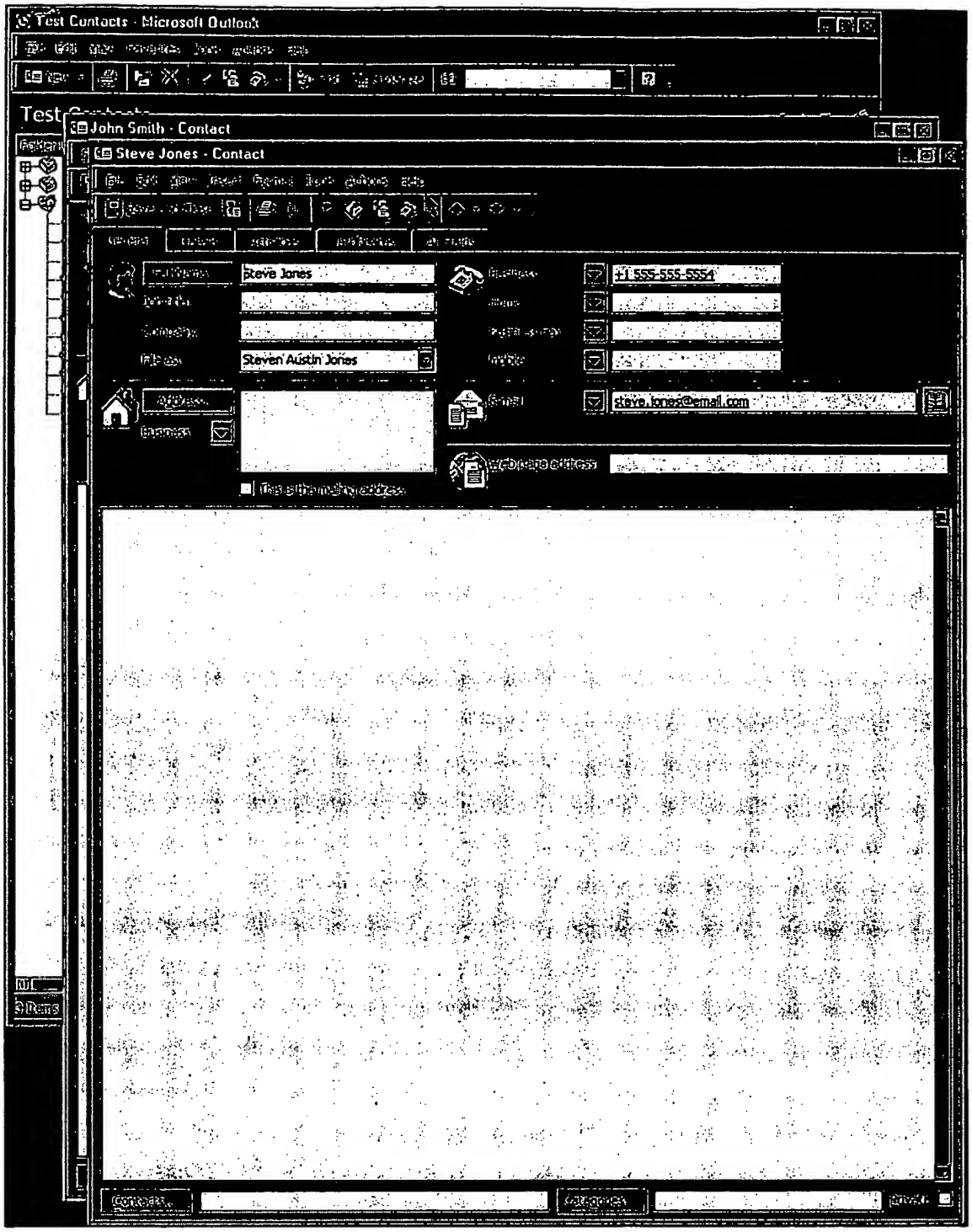

Test Contacts - Microsoft Outlook
John Smith - Contact
Steve Jones - Contact
Steve Jones
+1 555-555-5554
Steven Austin Jones
steve.jones@email.com

Fig. 9

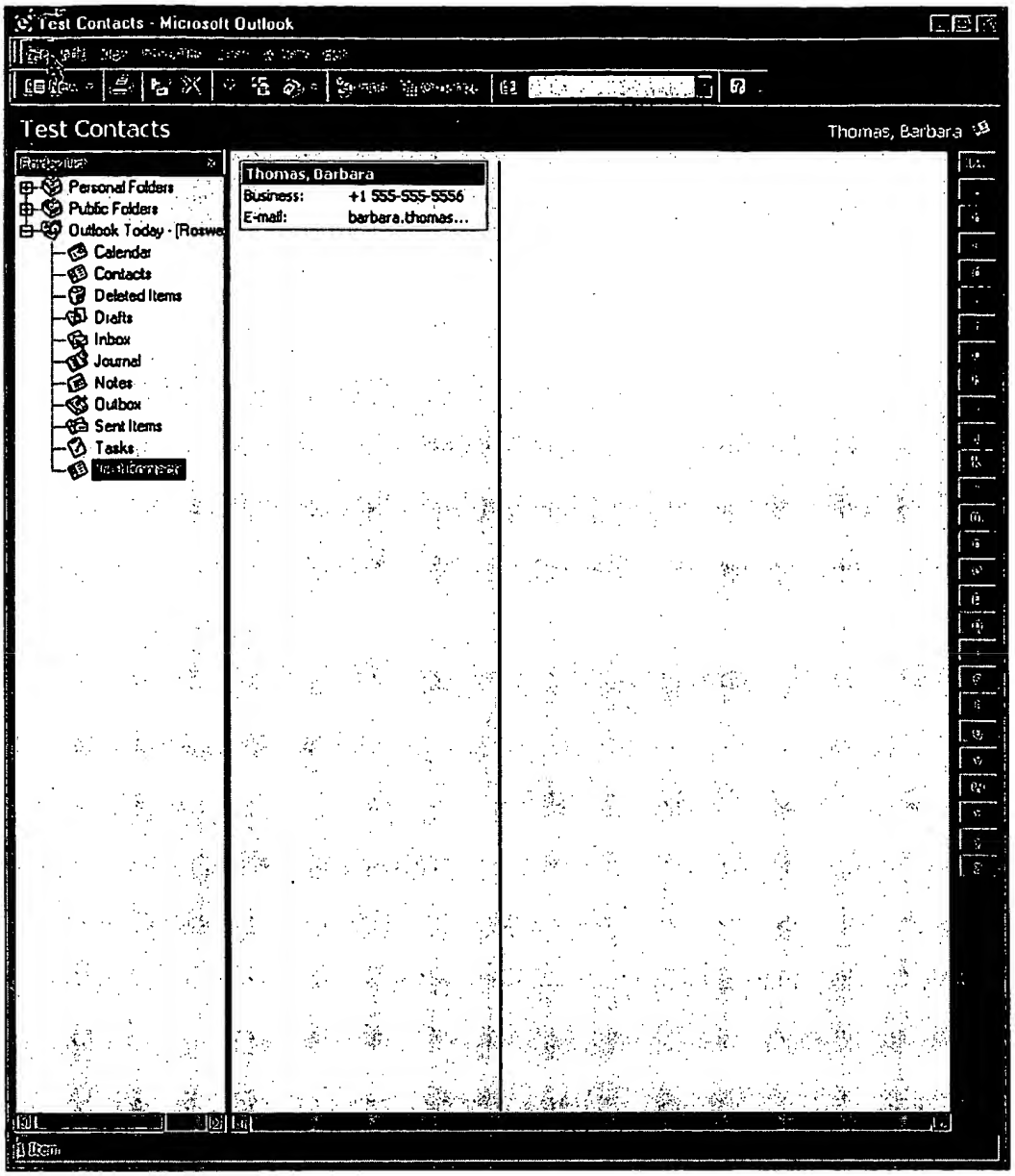
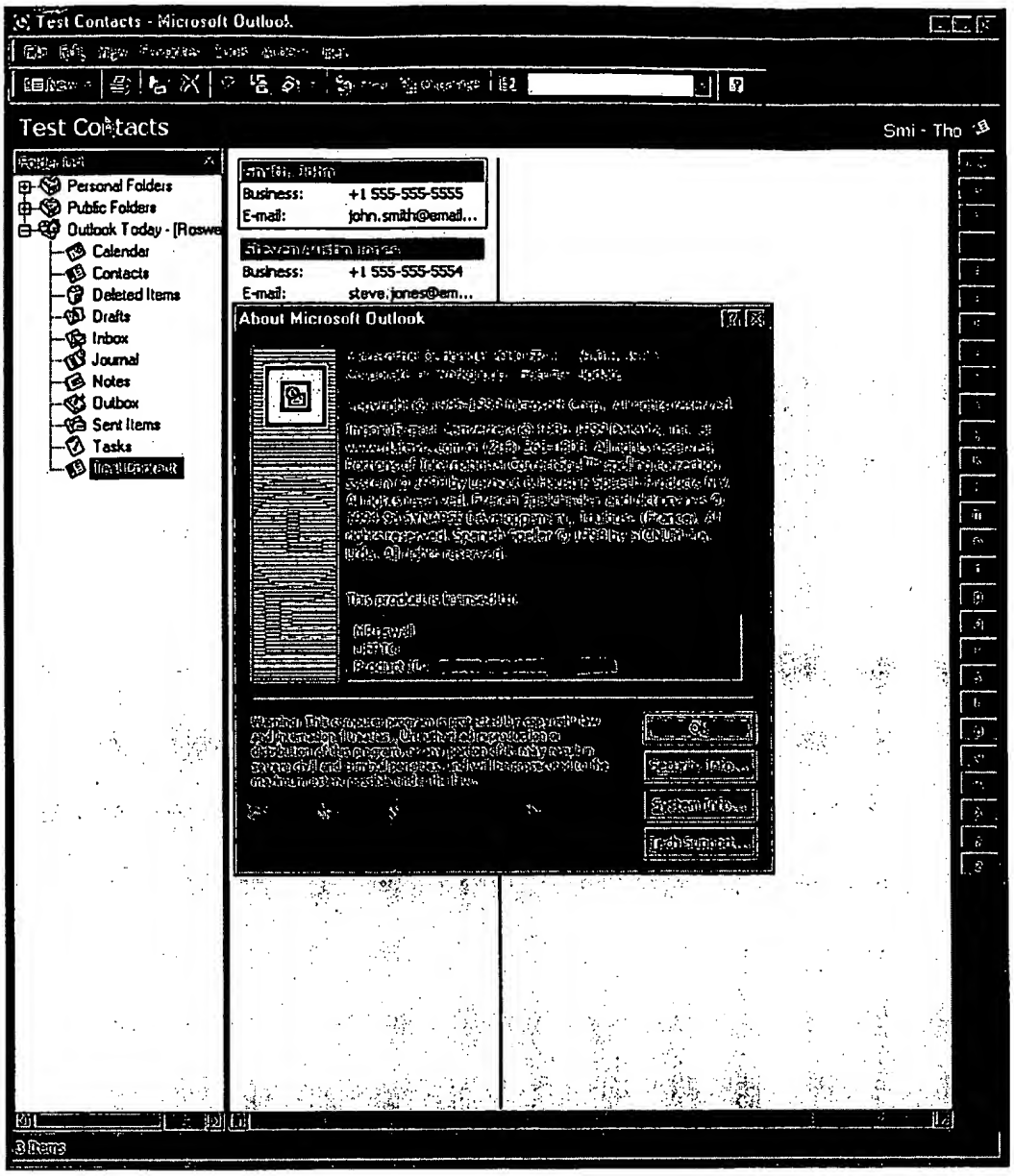

Test Contacts - Microsoft Outlook
Test Contacts
Thomas, Barbara
Personal Folders
Public Folders
Outlook Today - [Roswe
Calendar
Contacts
Deleted Items
Drafts
Inbox
Journal
Notes
Outbox
Sent Items
Tasks
Thomas, Barbara
Business: +1 555-555-5556
E-mail: barbara.thomas...
1 Item

Fig. 10


Test Contacts - Microsoft Outlook
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Personal Folders
Public Folders
Outlook Today - [Roswe
Calendar
Contacts
Deleted Items
Drafts
Inbox
Journal
Notes
Outbox
Sent Items
Tasks
Business: +1 555-555-5555
E-mail: john.smith@email...
Business: +1 555-555-5554
E-mail: steve.jones@em...
About Microsoft Outlook
OK
System Info...
3 Items

Fig. 11

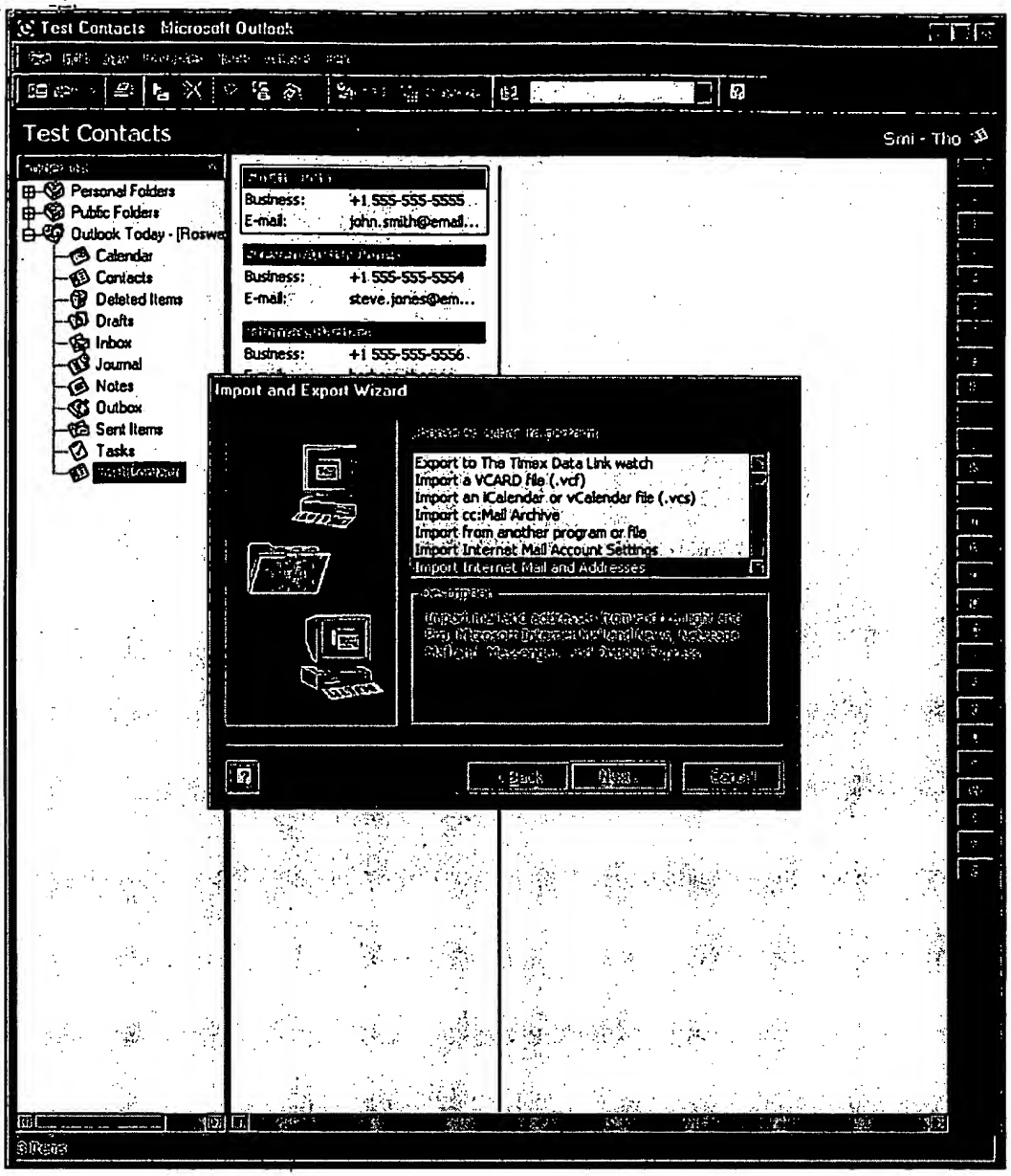
Test Contacts - Microsoft Outlook
Test Contacts
Personal Folders
Public Folders
Outlook Today - [Roswe
Calendar
Contacts
Deleted Items
Drafts
Inbox
Journal
Notes
Outbox
Sent Items
Tasks
Business: +1 555-555-5555
E-mail: john.smith@email...
Business: +1 555-555-5554
E-mail: steve.jones@em...
Business: +1 555-555-5556
Import and Export Wizard
Export to The Timex Data Link watch
Import a VCARD file (.vcf)
Import an iCalendar or vCalendar file (.vcs)
Import cc:Mail Archive
Import from another program or file
Import Internet Mail Account Settings
Import Internet Mail and Addresses

Fig. 12